

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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FEDERAL TRADE COMMISSION,)

Plaintiff(s),)

vs.)

JEREMY JOHNSON, individually, as)
officer of Defendants I Works, Inc.; Cloud)
Nine, Inc.; CPA Upsell, Inc.; Elite Debit,)
Inc.; Internet Economy, Inc.; Market)
Funding, Inc.; and Success Marketing, Inc.;)
as a member of Defendant Network)
Agenda, LLC; and as the *de facto* principal)
of numerous Defendant Shell Companies)
identified below:)

DUANE FIELDING, individually, as an)
officer of Anthon Holdings, Inc., and as a)
member of Defendant Network)
Agenda, LLC;)

ANDY JOHNSON, individually, as a)
manager of I Work, Inc., and as titular)
principal of numerous Defendant Shell)
Companies identified below;)

LOYD JOHNSTON, individually, as a)
manager of I Works, Inc., and as titular)
principal of numerous Defendant Shell)
Companies Identified below;)

SCOTT LEAVITT, individually, as a)
manager of I Works, Inc., and as principal)
of Defendant Employee Plus, Inc.;)

SCOTT MUIR, and as titular principal of)
numerous Defendant Shell Companies)
Identified below;)

2:10-cv-2203-RLH-GWF

ORDER

(Motion to Continue Hearing—#68)
(Motion for Clarification—#80)

1 BRYCE PAYNE, individually, as a)
 2 manage of I Works, Inc., and as titular)
 3 principal of Defendant JRB Media, Inc.,)
 4 a Shell Company;)
 5 KEVIN PILON, individually, as a former)
 6 manager of I Works, Inc., and as titular)
 7 principal of numerous Defendant Shell)
 8 companies identified below;)
 9 RYAN RIDDLE, individually, as a former)
 10 manager of I Works, Inc., and as titular)
 11 principal of Defendant Diamond J. Media,)
 12 Inc., a Shell Company;)
 TERRASON SPINKS, individually, and as)
 principal of Defendant Jet Processing, Inc.,)
 a Shell Company;)
 I WORKS, INC., et al.)
 Defendants.)

13 Before the Court is an **Emergency Motion to Continue Hearing on Preliminary**
 14 **Injunction Motion** (#68, filed February 3, 2011), brought by all but two of the Defendants. The
 15 Federal Trade Commission (FTC) filed its Opposition (#69) on February 4, 2011. Because of the
 16 emergency request, the Court will not permit a reply.

17 Also before the Court is a **Motion by SunFirst Bank for Clarification of the**
 18 **Court's January 13, 2011 Temporary Restraining Order** (#80, filed February 4, 2011), which
 19 does not require a response by any of the parties.

20 **I. EMERGENCY MOTION TO CONTINUE HEARING**

21 The motion will be denied. The Temporary Restraining Order (TRO) expires by rule
 22 on February 10. The Emergency Motion makes no request, nor provides any stipulation, that the
 23 TRO may be extended for the month delay requested in the motion. The Emergency Motion is not
 24 brought by all Defendants so the moving Defendants cannot agree on behalf of non-movants that the
 25 TRO may be extended. The claimed bases for the Emergency Motion are not legitimate bases and,
 26 in some cases, misrepresent the relevant facts.

1 If a Preliminary Injunction issues, the FTC and the public will be protected and the
2 Defendants are not precluded, later on if circumstances warrant, from moving to lift the Preliminary
3 Injunction.

4 The hearing will proceed as scheduled.

5 **II. MOTION FOR CLARIFICATION**

6 SunFirst Bank requests the opportunity to be heard at the hearing. That request is
7 granted. Furthermore, the FTC is directed to address the motion, at the hearing, and be prepared to
8 suggest any necessary clarification or modification of the requested Preliminary Injunction as it
9 applies to SunFirst Bank, to ensure that SunFirst Bank's obligations under the TRO can be met
10 without jeopardizing SunFirst Bank's obligations to the FDIC.

11 IT IS THEREFORE ORDERED that the **Emergency Motion to Continue Hearing**
12 **on Preliminary Injunction Motion** (#68) is DENIED.

13 IT IS FURTHER ORDERED that the **Motion by SunFirst Bank for Clarification**
14 **of the Court's January 13, 2011 Temporary Restraining Order** (#80) is GRANTED to the
15 extent that it will be permitted to be heard and the FTC is directed to address the motion, at the
16 hearing, and be prepared to suggest any necessary clarification or modification of the requested
17 Preliminary Injunction as it applies to SunFirst Bank, to ensure that SunFirst Bank's obligations
18 under the TRO can be met without jeopardizing SunFirst Bank's obligations to the FDIC.

19 Dated: February 4, 2011.

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22 **Roger L. Hunt**
23 **Chief United States District Judge**
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